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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,896	02/08/2001	Kimiaki Ando	P20559	4680
7055	7590	11/18/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			WANG, TED M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/778,896	ANDO ET AL.
	Examiner	Art Unit
	Ted M Wang	2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3-5, 11 and 12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-5, 11 and 12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Examiner's Statement***

1. Applicants' amendments filed on 7/27/2004 with respect to Claims 1-14 have been fully considered. Applicant cancels Claims 1-2, 6-10, and 13 and 14.
2. The allowability of claim 3-5, 11, and 12 are withdrawn in view of the newly discovered reference(s) to Sasaki (US 6,490,265). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

3. Claim 11 is objected to because of the following informalities:
  - With regard claim 11 line 5, change "a" to "the".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki (US 6,490,265).

- In regard claim 3, Sasaki discloses a pilot signal reception method comprising:
  - receiving pilot signals of a pilot channel (Fig.1 element 1 and column 6 lines 8-18);
  - despreading the received pilot signals (Fig.1 element 10 and column 6 lines 8-18);
  - measuring a variation in the reception intensity of a demodulated signal obtained by said despreading (Fig.1 element 15 and column 6 lines 19-64); and
  - adaptively changing despreading timings of said pilot signals based on the measured variation in the reception intensity (column 6 lines 19-64).
- In regard claim 11, which is a receiver claim related to claim 3, all limitation is contained in claim 3. The explanation of all the limitation is already addressed in the above paragraph.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (US 6,490,265) in view of Moon (US 6,539,047).

- With regard claim 4, Sasaki discloses all of the subject matter as described above except for specifically teaching despreading timings are adaptively determined based on the measured variation in the reception intensity in such a way as to avoid valleys of the variation in the intensity of the reception signal. However, Moon teaches that despreading timings are adaptively determined based on the measured variation in the reception intensity in such a way as to avoid valleys of the variation in the intensity of the reception signal (column 9 line 58 – column 10 line 11 and column 10 lines 44-65) for improving performing initial acquisition and frame synchronization of a received signal (column 4 lines 14-23).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the method as taught by Moon in which, despreading timings determined based on the measured variation in the reception intensity in such a way as to avoid valleys of the variation in the intensity of the reception signal, into Sasaki's pilot signal reception method so as to improve performing initial acquisition and frame synchronization of a received signal.

- In regard claim 5, the limitation of despreading period are adaptively changed based on the measured variation in said reception intensity in such a way as to avoid valleys of the variation in the intensity of the reception signal can further be taught in Fig.1 element 15 and column 6 lines 19-64 and column 6 lines 19-64.

All other limitation is contained in claim 4. The explanation of all the limitation is already addressed in the above paragraph.

- In regard claim 12, which is a system claim related to claim 5, all limitation is contained in claim 5. The explanation of all the limitation is already addressed in the above paragraph.

### ***Conclusion***

1. Reference US 5,644,590, US 5,963,583, and US 6,795,509 are cited because they are put pertinent to a spread spectrum communication apparatus with pilot signal reception method. However, none of references teach detailed connection as recited in claim.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Ted M Wang  
Examiner  
Art Unit 2634

Ted M. Wang

*Chieh M. Fan*  
CHIEH M. FAN  
PRIMARY EXAMINER